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Attorneys for Complainant

**BEFORE THE  
PHYSICAL THERAPY BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

JAYME DAWN JACOBS, P.T.  
1308 Farragut Circle  
Davis, CA 95616

Physical Therapist License No. PT 27169

Respondent.

Case No. ID 2003 63510

OAH No. N-2004030041

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the  
above-entitled proceedings that the following matters are true:

**PARTIES**

1. Steven K. Hartzell (Complainant) is the Executive Officer of the Physical  
Therapy Board of California. He brought this action solely in his official capacity and is  
represented in this matter by Bill Lockyer, Attorney General of the State of California, by  
Stephen M. Boreman, Deputy Attorney General.

2. Jayme Dawn Jacobs (Respondent) is representing herself in this  
proceeding and has chosen not to exercise her right to be represented by counsel.

3. On or about April 9, 2002 the Physical Therapy Board of California issued  
Physical Therapist License No. PT 27169 to Jayme Dawn Jacobs (Respondent). Said license is

1 current and will expire June 30, 2005, unless renewed.

2 JURISDICTION

3 4. Accusation No. ID 2003 63510 was filed before the Physical Therapy  
4 Board of California (Board), Department of Consumer Affairs, and is currently pending against  
5 Respondent. The Accusation and all other statutorily required documents were properly served  
6 on Respondent on February 17, 2004. Respondent timely filed her Notice of Defense contesting  
7 the Accusation. A copy of Accusation No. ID 2003 63510 is attached as exhibit A and  
8 incorporated herein by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, and understands the charges and allegations  
11 in Accusation No. ID 2003 63510. Respondent has also carefully read, and understands the  
12 effects of this Stipulated Settlement and Disciplinary Order.

13 6. Respondent is fully aware of her legal rights in this matter, including the  
14 right to a hearing on the charges and allegations in the Accusation; the right to be represented by  
15 counsel at her own expense; the right to confront and cross-examine the witnesses against her;  
16 the right to present evidence and to testify on her own behalf; the right to the issuance of  
17 subpoenas to compel the attendance of witnesses and the production of documents; the right to  
18 reconsideration and court review of an adverse decision; and all other rights accorded by the  
19 California Administrative Procedure Act and other applicable laws.

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up  
21 each and every right set forth above.

22 CULPABILITY

23 8. Respondent admits the truth of each and every charge and allegation in  
24 Accusation No. ID 2003 63510.

25 9. Respondent agrees that her Physical Therapist License is subject to  
26 discipline and agrees to be bound by the Board's imposition of discipline as set forth in the  
27 Disciplinary Order below.

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ownership of any business that offers physical therapy services. Respondent may not be an officer of any corporation that offers or provides physical therapy services. Respondent may not employ physical therapists, physical therapist assistants or physical therapy aides.

4. RESTRICTION OF PRACTICE - PROHIBITION OF DIRECT INSURANCE BILLING Respondent shall not have final approval over any billings submitted to any third-party payors in any employment as a physical therapist.

5. RESTRICTION OF PRACTICE - NO EMPLOYMENT OR SUPERVISION OF PHYSICAL THERAPY STUDENT INTERNS Respondent shall not supervise any physical therapy student interns during the entire period of probation. Respondent shall terminate any such supervisory relationship in existence on the effective date of this probation.

6. RESTRICTION OF PRACTICE- NO EMPLOYMENT OR SUPERVISION OF PHYSICAL THERAPIST LICENSE APPLICANT, PHYSICAL THERAPIST ASSISTANT APPLICANTS. Respondent shall not supervise any physical therapist license applicants, or physical therapist assistant applicants during the entire period of probation. Respondent shall terminate any such supervisory relationship in existence on the effective date of this probation.

7. RESTRICTION OF PRACTICE - ADMINISTRATION OR POSSESSION OF CONTROLLED SUBSTANCE. Respondent shall not administer or possess any controlled substances as defined in the California Uniform Controlled Substances Act. This prohibition does not apply to medications lawfully prescribed to respondent for a bona fide illness or condition by a practitioner licensed to prescribe such medications.

8. PROHIBITION OF POSSESSION OR USE OF CONTROLLED SUBSTANCES. Respondent shall abstain completely from the personal use or possession of controlled substances as defined in the California Uniform Controlled Substances Act, dangerous drugs as defined by Section 4211 of the Business and Professions Code, or any drugs requiring a prescription. This prohibition does not apply to medications lawfully prescribed to respondent for a bona fide illness or condition by a practitioner licensed to prescribe such medications.

1                   9.     PROHIBITION OF THE USE OF ALCOHOL. Respondent shall abstain  
2 completely from the use of alcoholic beverages.

3                   10.    BIOLOGICAL FLUID TESTING Respondent shall immediately submit  
4 to biological fluid testing, at respondent's cost, upon the request of the Board or its designee.

5                   11.    DIVERSION PROGRAM Within 15 days from the effective date of this  
6 decision, respondent shall enroll and participate in the Board's Diversion Program until the Board  
7 determines that participation in the diversion program is no longer necessary. Failure to comply  
8 with requirements of the Diversion Program, terminating the program without permission or  
9 being expelled for cause shall constitute a violation of probation by respondent.

10                  12.    PROBATION MONITORING COSTS All costs incurred by the Board  
11 for probation monitoring during the entire period of probation shall be reimbursed by respondent.  
12 Respondent will be billed at least quarterly. Failure to make the ordered reimbursement within  
13 60 days of the billing shall constitute a violation of the probation order. In addition to the filing  
14 of an Accusation or the issuance of an administrative citation, the filing of criminal charges shall  
15 be sought when appropriate.

16                  13.    COST RECOVERY The respondent is ordered to reimburse the Board  
17 the actual and reasonable investigative and prosecutorial costs incurred by the Board in the  
18 amount of \$500.00. The respondent will normally be ordered to make the reimbursement within  
19 30 days from the effective date of the decision unless the Board agrees in writing to payment by  
20 an installment plan. Failure to make the ordered reimbursement, or any agreed upon payment,  
21 may constitute a violation of the probation order.

22                  14.    OBEY ALL LAWS Respondent shall obey all federal, state and local  
23 laws, and statutes and regulations governing the practice of physical therapy in California.

24                  15.    COMPLIANCE WITH ORDERS OF A COURT The respondent shall be  
25 in compliance with any valid order of a court. Being found in contempt of any court may  
26 constitute a violation of probation.

27                  16.    COMPLIANCE WITH CRIMINAL PROBATION AND PAYMENT OF  
28 RESTITUTION Respondent must not violate any terms and conditions of criminal probation

and must be in compliance with any restitution ordered.

17. QUARTERLY REPORTS Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Board, stating whether there has been compliance with all the conditions of probation.

18. PROBATION MONITORING PROGRAM COMPLIANCE Respondent shall comply with the Board's probation monitoring program.

19. INTERVIEW WITH THE BOARD OR ITS DESIGNEE Respondent shall appear in person for interviews with the Board, or its designee, upon request at various intervals and with reasonable notice.

20. NOTIFICATION OF PROBATIONAL STATUS TO EMPLOYERS The respondent shall notify all present or future employers of the reason for and the terms and conditions of the probation by providing a copy of the Accusation and the stipulated settlement to the employer. The respondent shall obtain written confirmation from the employer that the documents were received. If the respondent changes employment or obtains additional employment, the respondent shall provide the above notification to the employer and submit written employer confirmation to the Board within 10 days. The notification(s) shall include the name, address and phone number of the employer, and, if different, the name, address and phone number of the work location.

21. NOTIFICATION OF CHANGE OF NAME OR ADDRESS The respondent shall notify the Board, in writing, of any and all changes of name or address within ten (10) days.

22. RESTRICTION OF PRACTICE - TEMPORARY SERVICES AGENCIES. The respondent shall not work for more than one temporary services agency or registry at one time. Respondent shall notify the Board within 10 days of any change or employment with any temporary services agency or registry.

23. PROHIBITED USE OF ALIASES Respondent may not use aliases and shall be prohibited from using any name which is not her legally-recognized name or based upon a legal change of name.

1                   24.     WORK OF LESS THAN 20 HOURS PER WEEK If the respondent  
2 works less than 192 hours in a period of three months, those months shall not be counted toward  
3 satisfaction of the probationary period. The respondent shall notify the Board if she works less  
4 than 192 hours in a three month period.

5                   25.     TOLLING OF PROBATION The period of probation shall run only  
6 during the time respondent is practicing within the jurisdiction of California. If, during  
7 probation, respondent does not practice within the jurisdiction of California, respondent is  
8 required to immediately notify the probation monitor in writing of the date that respondent's  
9 practice is out of state, and the date of return, if any. Practice by the respondent in California  
10 prior to notification to the Board of the respondent's return will not be credited toward  
11 completion of probation. Any order for payment of cost recovery shall remain in effect whether  
12 or not probation is tolled.

13                  26.     VIOLATION OF PROBATION If respondent violates probation in any  
14 respect, the Board, after giving respondent notice and the opportunity to be heard, may revoke  
15 probation and carry out the disciplinary order that was stayed. If an accusation or petition to  
16 revoke probation is filed against respondent during probation, the Board shall have continuing  
17 jurisdiction until the matter is final, and the period of probation shall be extended until the matter  
18 is final.

19                  27.     CESSATION OF PRACTICE DUE TO RETIREMENT, HEALTH OR  
20 OTHER REASONS Following the effective date of this probation, if respondent ceases  
21 practicing physical therapy due to retirement, health or other reasons, respondent may request to  
22 surrender her license to the Board. The Board reserves the right to evaluate the respondent's  
23 request and to exercise its discretion whether to grant the request or to take any other action  
24 deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the  
25 tendered license, the terms and conditions of probation shall be tolled until such time as the  
26 license is no longer renewable, the respondent makes application for the renewal of the tendered  
27 license or makes application for a new license.

28                  28.     COMPLETION OF PROBATION Upon successful completion of

probation, respondent's license or approval shall be fully restored.

29. WRITTEN EXAM ON THE LAWS & REGULATIONS GOVERNING THE PRACTICE OF PHYSICAL THERAPY Within 90 days of the effective date of this decision, respondent shall take and pass the Board's written examination on the laws and regulations governing the practice of physical therapy in California. If respondent fails to pass the examination, respondent shall be suspended from the practice of physical therapy until a repeat examination has been successfully passed.

30. PRACTICE OR PERFORMANCE OF PHYSICAL THERAPY WHILE ON PROBATION It is not contrary to the public interest for the respondent to practice physical therapy under the probationary conditions specified in the disciplinary order.

## ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Physical Therapist license. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Physical Therapy Board of California.

DATED: 05/27/2004 .

Original Signed By: \_\_\_\_\_  
Jayme Dawn Jacobs, P.T.  
Respondent

## ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Physical Therapy Board of California of the Department of Consumer Affairs.

DATED: May 27, 2004 .

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BILL LOCKYER, Attorney General  
of the State of California

Original Signed By:  
STEPHEN M. BOREMAN  
Deputy Attorney General

Attorneys for Complainant

**Exhibit A**

**Accusation No. ID 2003 63510**

**BEFORE THE  
PHYSICAL THERAPY BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

\*\*\*Respondent Caption2 MC CO\*\*\*

Respondent.

Case No. ID 2003 63510

OAH No. N-2004030041

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Physical Therapy Board of California, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on \_\_\_\_\_.

It is so ORDERED \_\_\_\_\_.

FOR THE PHYSICAL THERAPY BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS